



Crl.O.P.No.23210 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2024

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THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.23210 of 2024

1. S.Sarvesh

2. Rajan

...Petitioners/Accused

Vs.

The State represented by
The Deputy Superintendent of Police,
CBCID, Cyber Crime Cell,
Chennai.
Crime No.1 of 2024

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioners on bail in Crime No.1 of 2024 on the file of respondent police.

For Petitioners : M/s.J.S.Valarmathi

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl. Side)



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ORDER

The petitioners/A14 and A15, who were arrested and remanded to judicial custody on 14.08.2024 for the offences punishable under Sections 419, 420, 468, 471, 120 (B) of the IPC and Sections 4(1), 20 of Indian Telegraph Act, 1885, @ 409, 419, 420, 468, 471, 120(B) and Sections 4 and 20 of Indian Telegraph Act, 1885, in Crime No.01 of 2024, on the file of the respondent, seeks bail.

2. The case of the prosecution is that while A1 was going to depart for Malaysia, the immigration officer found 22 numbers of Indian SIM cards in A1's possession without any justification, and on further investigation, it was revealed that the petitioner, along with the other accused, had purchased SIM cards in the name of the general public and produced the particulars to the scamming companies running in foreign nations for illegal gain. Hence, the case.

3. Learned counsel for the petitioners/A14 and A15 submitted that the petitioners are innocent persons, they have not committed any offence as alleged by the prosecution, and they have been falsely implicated in



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this case. He further submitted that the petitioners are only employees of the SIM Card company; that the petitioners had been in custody since 14.08.2024; and that the co-accused/A5 was granted bail by this Court, vide its order dated 19.09.2024 in Crl.O.P.No.22391 of 2024. He also submitted that the petitioners are law-abiding citizens; that they are ready to furnish substantial sureties for their due release on bail; and therefore, he prays for the grant of bail to the petitioners.

4. Learned Government Advocate (Crl. Side) for the respondent would submit that there are totally 15 accused in this case, that the petitioners are arrayed as A14 and A15, and that the petitioners, along with the other accused, have purchased SIM cards in the name of the general public and produced the particulars to the scamming companies running in foreign nations for illegal gain. He further submitted that some of the co-accused were arrested and released on bail. However, he vehemently opposed the grant of bail to the petitioners.

5. Heard both sides and perused the materials available on record.



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6. Considering the representation made by both sides, the nature of offences charged against the petitioner, that these petitioners are only employees of the company, that the co-accused were released on bail, and also taking into consideration the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions:

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) each** with two sureties, each for a like sum to the satisfaction of the *XI Metropolitan Magistrate Court, Saidapet, Chennai*, and on further conditions that:

[a] the petitioners shall report before respondent police on every Saturday at 10.30 a.m., for a period of four weeks, and thereafter, as and when required for the interrogation;

[b] the petitioners shall attend in accordance with the conditions of the bond;

[c] the petitioners shall not commit any



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offences of similar to the offence of which they are accused, or suspected, or of the commission of which they are suspected;

[d] the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[e] the petitioners shall not abscond either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]; and

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of the B.N.S.



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To

- 1.The XI Metropolitan Magistrate Court,
Saidapet,
Chennai.
- 2.The Superintendent of Prison
Central Prison Puzhal,
Chennai.
- 3.The Deputy Superintendent of Police,
CBCID, Cyber Crime Cell,
Chennai.
- 4.The Public Prosecutor
High Court of Madras.

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P.DHANABAL, J.

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